

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  DISCONNECTION AND RECONNECTION	DOCKET NO. RMU-00-5
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**ORDER ADOPTING RULES**

(Issued December 28, 2000)

Pursuant to the authority of Iowa Code §§ 17A.4, 474.5, 476.1, and 476.20 (1999), the Utilities Board adopts the amendments attached hereto and incorporated by reference. These rules amend and clarify the language contained in 199 IAC 19.4(15)"h"(3), 19.4(15)"i"(2), 20.4(15)"h"(3), and 20.4(15)"i"(2) with respect to when reconnection of an electric or gas customer must take place following disconnection of service. The reasons adopting these amendments are set forth in the attached notice of intended action.

**IT IS THEREFORE ORDERED:**

1. A rule making, identified as Docket No. RMU-00-5, is adopted.
2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 28<sup>th</sup> day of December, 2000.

## **UTILITIES DIVISION [199]**

### **Adopted and Filed**

Pursuant to Iowa Code sections 17A.4, 474.5, 476.1, and 476.20 (1999), the Utilities Board (Board) gives notice that on December 28, 2000, the Board issued an order in Docket No. RMU-00-5, In re: Disconnection and Reconnection, "Order Adopting Rules." The amendments to 199 IAC 19.4(15)"h"(3), 19.4(15)"i"(2), 20.4(15)"h"(3) and 20.4(15)"i"(2) make the disconnect and reconnect rules for gas and electric residential service consistent with the Board's standard customer notice forms.

On February 8, 2000, the Board issued an order in Docket No. RMU-00-5, In re: Disconnection and Reconnection, to consider adopting amendments to current 199 IAC 19.4(15)"i"(2) and 20.4(15)"i"(2) to make them consistent with the Board's standard customer notice forms contained in 199 IAC 19.4(15)"h"(3) and 20.4(15)"h"(3). The proposed rule making was published in IAB Vol. XXII, No. 18 (3/8/00) p. 1359, as ARC 9717A. Written comments were received from the Iowa Association of Municipal Utilities, the Iowa Association of Rural Electric Cooperatives, Peoples Natural Gas Company, Division of UtiliCorp United Inc., Alliant Energy, MidAmerican Energy Company, and the Consumer Advocate Division of the Department of Justice.

In the original Notice of Intended Action, the Board did not schedule an oral presentation. However, after reviewing the comments and the request for oral

presentation filed by Alliant Utilities on July 13, 2000, the Board, by order issued August 3, 2000, scheduled an oral presentation. The amended notice of intended action scheduling the oral presentation was published in IAB Vol. XXIII, No. 4 (8/23/00) p. 363 as ARC 0072B. A public hearing to receive comments on the proposed amendments was held at 10 a.m. on October 5, 2000. In addition to those filing written comments, oral comments were received at the hearing from Iowa Legal Services Corporation.

199 IAC 19.4(15)"i"(2) and 20.4(15)"i"(2) currently provide that "[t]he disconnection of a residential customer may not take place on a weekend, a holiday or after 2 p.m., unless the utility is prepared to reconnect the same day." The proposed amendments changed these rules to make them consistent with the customer notice forms contained in 199 IAC 19.4(15)"h"(3) and 20.4(15)"h"(3). The customer notice forms provided that disconnection cannot occur unless the utility is prepared to reconnect the same day. The language in the current rule emphasizing holidays, weekends, and after 2 p.m. may provide useful information to some customers but is likely confusing to most because it could cause customers to believe same day reconnection is not available at other times. The proposed amendments made it clear that the utility must be prepared to reconnect on the same day disconnection occurs if payment or other arrangements are made.

The written comments from utilities and the municipal and electric cooperative associations highlighted some problems with the noticed rules. The utilities generally did not want to have to dispatch crews late at night for economic and safety reasons. The investor-owned utilities can now, in some instances, make

payment arrangements by phone or electronically 24 hours per day. This was not the case when the current rules were adopted. This additional customer convenience makes it necessary to reevaluate the requirement that, in all instances, same day reconnection be required in the event of disconnection.

The municipal and electric cooperative associations noted that the Board should not mandate that payment arrangements be made 24 hours per day because their members' office hours are generally in the 8 a.m. to 5 p.m. range and most do not have the capability of making after-hours payment arrangements. The associations noted that to mandate extended hours or the installation of new technology would be cost-prohibitive for their members.

Consumer Advocate and Iowa Legal Services wanted to avoid late-night disconnections and allow customers a reasonable opportunity to be reconnected on the same day of disconnection. At the oral presentation, it became apparent from the comments that utilities currently do not perform disconnections late at night or on weekends and holidays. After much debate, there was no serious objection to language proposed by Consumer Advocate that allowed disconnections only between 6 a.m. and 2 p.m., and not on weekends or holidays. There was also general agreement that if payment arrangements were made by a certain time, reconnection should be the same day. Finally, there was general agreement that payment arrangements were made after a certain time, reconnection would not have to occur until a certain time the next day.

The Board will adopt language generally agreed to by most participants. The participants disagreed whether the cut-off for payment arrangements should be

5 p.m., 6 p.m., or 7 p.m. The Board will adopt 7 p.m. because this would allow a customer to have some time after normal working hours to make payment arrangements and have service restored the same day, assuming that customer's utility was able to make after-hours payment arrangements. The Board will not require utilities to extend office hours or install electronic technology to make late payment arrangements. For many small municipal and cooperative utilities, requiring extended office hours or installation on new technology would be cost prohibitive.

There was also disagreement as to what time service should be restored the next day if there was a disconnection after the 7 p.m. cut-off time. Consumer Advocate proposed 10 a.m., some utilities proposed 12 noon. The Board will adopt 11 a.m. as a compromise.

Because the disconnection and reconnection rules have been changed from the amendments originally proposed, the customer notification rules also will have to be changed. However, no additional notice is required. The initial notice of intended action stated the Board's intent to make the disconnection and reconnection rules consistent with the customer notification rules. Changes from the amendments as originally noticed are consistent with and in response to the comments at the oral presentation.

The Board does not find it necessary to propose a separate waiver provision in this rule making. The Board's general waiver provision in rule 199 IAC 1.3 is applicable to these rules.

The amendments will become effective on February 28, 2001.

These rules are intended to implement Iowa Code sections 476.1 and 476.20.

The following amendments are adopted.

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Item 1. Amend the fifth paragraph of **19.4(15)"h"(3)** as follows:

~~Disconnection may not take place unless we are prepared to reconnect your service that same day if payment or other arrangements are made.~~ *Disconnection of your service may only take place between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If you make payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect your service that day. If you make payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect you not later than 11 a.m. the next day. Between November 1 and April 1, we cannot require you to pay a deposit before service is reconnected or as part of an agreement for service to be continued.*

Item 2. Amend subparagraph **19.4(15)"i"(2)** as follows:

(2) ~~The disconnection of a residential customer may not only take place between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. on a weekend, a holiday or after 2 p.m., unless the utility is prepared to reconnect the same day,~~ *If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes*

*payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day. A disconnection and may not take place where gas is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with 19.4(15)"h"(3) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above 20 degrees, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of this rule.*

Item 3. Amend the fifth paragraph of **20.4(15)"h"(3)** as follows:

~~Disconnection may not take place unless we are prepared to reconnect your service that same day if payment or other arrangements are made.~~ *Disconnection of your service may only take place between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If you make payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect your service that day. If you make payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect you not later than 11 a.m. the next day. Between November 1 and April 1, we cannot*



require you to pay a deposit before service is reconnected or as part of an agreement for service to be continued.

Item 4. Amend subparagraph **20.4(15)"i"(2)** as follows:

(2) The disconnection of a residential customer may ~~not only~~ take place *between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays.*~~on a weekend, a holiday or after 2 p.m., unless the utility is prepared to reconnect the same day,~~ *If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day. A disconnection and* may not take place where electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with 20.4(15)"h"(5) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to

above 20 degrees, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of this rule.

December 28, 2000

/s/ Allan T. Thoms  
Allan T. Thoms  
Chairperson